

## Message Text

SECRET

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15  
ACTION SCS-03

INFO OCT-01 EUR-12 EA-07 ISO-00 SCA-01 DEAE-00 SNM-02

DHA-02 L-03 H-02 SS-15 NSC-05 JUSE-00 /053 W

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R 090826Z JAN 76

FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC 2192

INFO AMCONSUL AMSTERDAM

AMEMBASSY THE HAGUE

AMEMBASSY BANGKOK

S E C R E T KUALA LUMPUR 0156

BANGKOK FOR DEA

E.O. 11652: GDS

TAGS: SNAR CASC MY (LONG, PATRICK)

(AVILA, DONNIE LEE)

SUBJ: NARCOTICS CASE

REF: 75 KUALA LUMPUR 7132 (NOTAL), 75 STATE 15392

1. SUMMARY: LONG AND AVILA, ARRESTED DEC 4, 1975, STILL BEING HELD WITHOUT FORMAL CHARGES. HOME MINISTER HAS MENTIONED THEIR ARREST IN REPORT ON CAMPAIGN AGAINST DRUG SYNDICATES. PAIR BEING HELD UNDER ARBITRARY PROVISIONS OF EMERGENCY ORDINANCE THOUGH THEY WERE NOT IN POSSESSION OF NARCOTICS AT TIME OF ARREST; HOWEVER, THEY ARE KNOWN TO DEA AND GOM AS TRAFFICKERS. AFTER WEIGHING CONFLICTS IN USG INTERESTS, EMBASSY PROPOSES MAKE REPRESENTATIONS TO GOM TO EXPRESS CONCERN THAT NO CHARGES HAVE BEEN FILED AND CLARIFY FUTURE STEPS IN CASE. REQUEST DEPT'S GUIDANCE. END SUMMARY.

2. IN COURSE OF EXPOSITION OF GOM DRUG ENFORCEMENT EFFORTS, HOME AFFAIRS MINISTER TAN SRI GHAZALI SHAFIE ON JAN 7 TOLD DEWAN NEGARA (SENATE) THAT "MEMBERS OF AN AMSTERDAM-BASED SYNDICATE" WERE ARRESTED DEC 4, 1975; AMONG DETAINEES WERE TWO AMERICANS, PATRICK LONG AND DONNIE LEE AVILA,

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WHOSE ARREST REPORTED DEPT IN KL 7132. GHAZALI SHAFIE

EXPRESSED CONFIDENCE LOCAL INFRASTRUCTURE OF THIS SYNDICATE SUCCESSFULLY DISRUPTED. HE ALSO STATED THAT GOM WAGING "ALL-OUT CAMPAIGN AGAINST DRUG-TRAFFICKING SYNDICATES" BOTH WITHIN AND WITHOUT MALAYSIA. COMMENTING ON USE OF CAUCASIANS AS COURIERS BECAUSE AIRPORT CHECKS LESS STRINGENT THAN ON ASIANS, HOME MINISTER SAID THIS LOOPHOLE MUST BE PLUGGED AND GOM "WILL NOT HESITATE TO TAKE STERN ACTION AGAINST ANYONE ABUSING OUR COUNTRY'S HOSPITALITY AND FLOUTING OUR LAWS, PARTICULARLY IN DRUG TRAFFICKING."

3. LONG AND AVILA ARE BEING HELD WITHOUT FORMAL CHARGE. ATTORNEY CONTACTED BY EMBASSY ON THEIR BEHALF (M. SHANKER OF SHEARN, DELAMORE AND CO., P.O. BOX 138, KL 01-02 -- ATTORNEY REPORTED KL 7132 WENT ON LEAVE AND DROPPED CASE) HAS THUS FAR BEEN UNABLE TO OBTAIN ACCESS TO THEM OR FORMAL STATEMENT OF CAUSE OF DETENTION. POLICE HAVE TOLD EMBASSY INFORMALLY THAT LONG AND AVILA BEING HELD UNDER PROVISIONS EMERGENCY ORDINANCE OF 1969, WHICH ALLOWS SUBJECTS TO BE HELD UP TO 60 DAYS WITHOUT CHARGE. AFTER 60 DAYS HOME MINISTER CAN AUTHORIZE FURTHER DETENTION FOR UP TO TWO YEARS WITHOUT TRIAL. POLICE HAVE ALSO SAID CONFIDENTIALLY THAT IF SUFFICIENT PRESSURE WERE BROUGHT TO BEAR BY FOREIGN MINISTRY OR JUSTICE MINISTRY LONG AND AVILA WOULD PROBABLY BE RELEASED AND DEPORTED, AND THAT IN ABSENCE OF SUCH PRESSURE, THE PAIR WOULD PROBABLY SPEND NEXT TWO YEARS IN DETENTION.

4. CONSULAR OFFICER HAS VISITED LONG AND AVILA THREE TIMES SINCE ARREST, ALTHOUGH POLICE IMPLIED CONSULAR VISIT A SPECIAL FAVOR IN VIEW EMERGENCY ORDINANCE DETENTION. (FYI: CONSULAR TREATY OF 1932 WITH UK IS ACCEPTED BY GOM AS EFFECTIVE AND REQUIRES CONSULAR ACCESS.) NEITHER REQUESTED THAT RELATIVES IN U.S. BE NOTIFIED OF THEIR DETENTION (LONG MAY NOT HAVE BEEN IN U.S. SINCE 1958); LONG ASKED ONLY THAT A FRIEND IN AMSTERDAM BE CALLED. CONSULAR OFFICER CALLED FRIEND SEVERAL TIMES AT LONG'S REQUEST AND ARRANGED FOR HER TO WIRE MONEY FOR TRUST FUND IN LONG'S NAME.

5. ACCORDING POLICE, ALTHOUGH THEY HAD BEEN FOLLOWING LONG AND AVILA'S MOVEMENTS AND HAD ESTABLISHED THAT BOTH PREVIOUSLY INVOLVED IN DRUG TRAFFICKING, NEITHER AT TIME OF ARREST WAS  
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IN POSSESSION OF NARCOTICS AND ONLY EVIDENCE OF ILLICIT ACTIVITY WAS EMPTY FALSE-BOTTOMED SUITCASES. SINCE ARREST, LONG, IN COURSE OF INTERROGATION, HAS REVEALED EXTENSIVE INFORMATION REGARDING HIS, AVILA'S AND OTHERS' TRAFFICKING ACTIVITIES ON PREVIOUS TRIPS BETWEEN MALAYSIA AND EUROPE. (PROBABLE PURPOSE OF THIS TESTIMONY WAS TO SECURE HIS OWN RELEASE.) LACK OF HARD EVIDENCE AT TIME OF ARREST IS LIKELY REASON VAGUE BUT STRINGENT PROVISIONS OF EMERGENCY ORDINANCE

BEING APPLIED BY GOM. FYI: SINCE MALAYSIA DOES NOT HAVE CONSPIRACY LAWS, EMERGENCY ORDINANCE IS BEING INCREASINGLY USED BY GOM IN DRUG CASES IN SITUATIONS WHERE CIRCUMSTANCIAL EVIDENCE WOULD ALLOW ARREST UNDER U.S. CONSPIRACY LAWS.

6. LONG AND AVILA CASE OBVIOUSLY INVOLVES CONFLICTING U.S. INTERESTS. LONG-TERM USG EFFORT TO CONVINCE GOM OF SERIOUSNESS OF INTERNATIONAL NARCOTICS PROBLEM AND MALAYSIA'S ROLE IN IT, COMBINED WITH INCREASINGLY OBVIOUS FACTS OF THE SITUATION, HAVE LED TO STRENGTHENED ENFORCEMENT EFFORTS HERE. IF, AS DEA AND GOM BELIEVE, LONG AND AVILA ARE KNOWN NARCOTICS TRAFFICKERS, THEIR DETENTION IS IN USG AND GOM INTEREST. ON OTHER HAND, ARBITRARY DETENTION OF AMCITS WITH LITTLE OR NO EVIDENCE UNDER PROVISIONS OF EMERGENCY ORDINANCE SETS DANGEROUS PRECEDENT. THIS, OF COURSE, IS NO MORE THAN REFLECTION OF THAT INCONGRUITY OF RESPONSIBILITIES OF CONSULAR OFFICER AND DEA IN SUCH CASES WHICH OUTLINED IN STATE 15392. PUBLICITY GIVEN CASE BY HOME MINISTER IS FURTHER COMPLICATION.

7. WE FEEL THAT WE SHOULD MAKE REPRESENTATIONS TO GOM IN THIS CASE. WHILE MAKING IT CLEAR THAT WE APPLAUD THEIR EFFORTS IN DISRUPTING INTERNATIONAL DRUG TRAFFIC, NEVERTHELESS WE ARE DISTURBED THAT NO CHARGES HAVE BEEN FILED AND WISH TO KNOW WHAT ACTION IS PLANNED TO BRING CHARGES IN THIS CASE. REQUEST DEPT'S GUIDANCE.  
UNDERHILL

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## Message Attributes

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**Channel Indicators:** n/a  
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